

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Dennis L. Montgomery

Examiner: Michael .O'Neill  
Group Art Unit: 3713

Serial No. 09/991,531

Filed: November 21, 2001

Atty Docket No. 042503-027332

For: Data Gathering in Games of  
Chance

ET-012

Confirmation No. 3106

2402  
250

**APPELLANT'S BRIEF ON APPEAL**  
(37 C.F.R. 1.192)

**BOARD OF PATENT APPEALS & INTERFERENCES**

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By:

Bobbie Juras  
Bobbie Juras

Appellant's Brief  
Ser. No. 09/991,531

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that exists to estimate a number of the plurality of objects." Thus, Fishbine does not suggest or disclose Appellant's claimed invention.

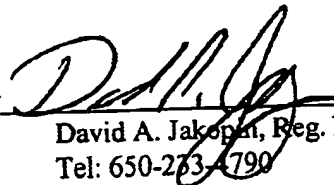
**IX. Conclusion**

For the reasons advanced above, Appellant concludes that the rejection of claims 1-31 as being anticipated under 35 USC §102(b) in view of Fishbine is improper.

Accordingly, Appellant respectfully submits that the Examiner's Final Rejection on June 10, 2004 should be reversed and all claims allowed by this Honorable Board.

Respectfully submitted,  
PILLSBURY WINTHROP LLP

By

  
David A. Jakopin, Reg. No. 32,995  
Tel: 650-273-4790

Reply to Customer No. 27498  
2475 Hanover Street  
Palo Alto, CA 94304

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re PATENT APPLICATION of  
Montgomery

Serial No. 09/991,531

Filed: November 21, 2001

For: Data Gathering in Games of Chance

Confirmation No. 3106  
Customer No. 27498  
Atty Docket No. 042593-0273332

Examiner: M. O'Neill  
Group Art Unit: 3713

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I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to 703-872-9306, MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA on October 12, 2004

By Kathleen M. Smith  
Kathleen M. Smith

RESPONSE TO OFFICE ACTION

MAIL STOP AMENDMENT  
Commissioner of Patents  
P.O. Box 1450  
Alexandria, VA 22313

Sir:

This is a Response to the Office Action mailed June 10, 2004.

Request for Extension

Applicant requests a one month extension of time from September 10, 2004 to the date hereof to submit this Response. The Commissioner may charge Deposit Account 50-2213 (042503-0273332) for the requisite one-month small entity extension fee of \$55.00.

Please consider the following Remarks.

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